

108TH DISTRICT COURT
CASE SUMMARY
CASE No. 106231-00-E

**DANNY PRICE GARRETT VS. JAMES WALTER
CAVE AND EAN HOLDINGS, LLC**

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Location: **108th District Court**
Filed on: **02/23/2017**

CASE INFORMATION

File Date 02/23/2017

Case Type: **Personal Injury and Property
Damage-Motor Vehicle**

Cause of Action **Description/Remedy**
Personal Injury and Property Action
Damage

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number 106231-00-E
Court 108th District Court
Date Assigned 02/23/2017

PARTY INFORMATION

Plaintiff **GARRETT, DANNY PRICE**

Lead Attorneys
QUACKENBUSH, JESSE
Retained
806-374-4024(W)

Defendant **GARRETT, DANNY PRICE**

CAVE, JAMES WALTER

CAVE, JAMES WALTER

EAN, HOLDINGS LLC

SMITH, BRETT A.
Retained
972-934-9100(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

02/23/2017	Cause of Action Personal Injury and Property Damage () Action Type Action	
02/23/2017	PREPARE DOCKET SHEET <i>PREPARE DOCKET SHEET Init: KM</i>	
02/23/2017	DISCOVERY LEVEL 3 <i>DISCOVERY LEVEL 3 Init: KM</i>	
02/23/2017	FILE EFILE LOG #: ^ <i>FILE EFILE LOG #: 015494745-0 Init: KM</i>	
02/23/2017	FILE CIVIL COVER SHEET <i>FILE CIVIL COVER SHEET Init: KM</i>	
02/23/2017	File Document: <i>FILE: REQUEST FOR ISSUANCE JAMES WALTER CAVE Init: KM</i>	
02/23/2017	File Document: <i>FILE: REQUEST FOR ISSUANCE EAN HOLDINGS, LLC Init: KM</i>	
02/23/2017	FILE PLAINTIFF'S ORIGINAL PETITION/DC^	

108TH DISTRICT COURT
CASE SUMMARY
CASE No. 106231-00-E

	<i>FILE PLAINTIFF'S ORIGINAL PETITION/DC Init: KM</i>	
02/23/2017	Civil Case Filed (OCA)	
02/27/2017	CHECK OUT DOCKET SHEET TO: ^ <i>CHECK OUT DOCKET SHEET TO: COURT NEW CASE Init: KM</i>	
02/27/2017	MAIL: ^ <i>MAIL: CITATION BY CERTIFIED MAIL TO: EAN HOLDINGS, LLC ARTICLE NO 9414 7266 9904 2080 6472 31 Init: KM</i>	
02/27/2017	EMAIL ^ <i>EMAIL CITATION TO ATTORNEY FOR JAMES WALTER CAVE Init: KM</i>	
02/28/2017	File Document: <i>FILE: CONFIRMATION OF DELIVERY OF CITATION VIA EMAIL Init: KM</i>	
03/01/2017	FILE CERTIFIED MAIL POSTAGE RECEIPT ^ <i>FILE CERTIFIED MAIL POSTAGE RECEIPT ARTICLE NO 9414 7266 9904 2080 6472 21 ADRESSED TO: EAN HOLDINGS, LLC Init: KM</i>	
03/17/2017	 RECORD CITATION CERTIFIED MAIL <i>ean Holdings, LLC, served on 3/2/17. Article No. 9414 7266 9904 2080 6472 21. Signed by Adelia ?</i>	
03/23/2017	 Request for Copies and/or Search for Potter County <i>(copy of Original petition & Return citation for Ean Holdgins LLC)</i>	
03/23/2017	Other Action: <i>email confirmation for delivery of documents</i>	
03/24/2017	E File Log Paid by:: Attorney SMITH, BRETT A. <i>016062509-0</i>	Instrument# <i>016062509-0</i>
03/24/2017	Defendant/s Original Answer <i>Defendant Enterprise Leasing Company of Chicago, LLC, Incorrectly named as Holdings, LLC's Original Answer (Enterprise Leasing Company of Chicago, LLC, Incorrectly names as Ean Holdings, LLC)</i>	

DATE	FINANCIAL INFORMATION	
	Attorney SMITH, BRETT A.	
	Total Charges	2.00
	Total Payments and Credits	2.00
	Balance Due as of 3/30/2017	0.00
	Plaintiff GARRETT, DANNY PRICE	
	Total Charges	443.50
	Total Payments and Credits	443.50
	Balance Due as of 3/30/2017	0.00

CIVIL CASE INFORMATION SHEET 106231-E

CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

STYLED Danny Price Garrett vs. James Walter Cave and Ean Holdings, LLC
(e.g., John Smith v. All American Insurance Co.; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: <u>Jesse Quackenbush</u> Email: <u>JESSEQLF@GMAIL.COM</u> Address: <u>801 S. Fillmore St. 460</u> Telephone: <u>806-374-4024</u> City/State/Zip: <u>Amarillo, TX 79101</u> Fax: <u>806-352-0073</u> Signature: <u>[Signature]</u> State Bar No: <u>16421975</u>		Names of parties in case: Plaintiff(s)/Petitioner(s): <u>Danny Price Garrett</u> Defendant(s)/Respondent(s): <u>James Walter Cave</u> <u>Ean Holdings, LLC</u> [Attach additional page as necessary to list all parties]		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____					
2. Indicate case type, or identify the most important issue in the case (select only 1):									
Civil			Family Law						
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:		Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:		Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:		Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:		Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:		Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:				Filed Caroline Woodburn District Clerk 2/23/2017 3:00:25 PM Potter County, Texas By <u>[Signature]</u> Deputy			
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:							
3. Indicate procedure or remedy, if applicable (may select more than 1):									
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover					
4. Indicate damages sought (do not select if it is a family law case): <input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input checked="" type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000									

Filed
 Caroline Woodburn
 District Clerk
 2/23/2017 3:00:25 PM
 Potter County, Texas
 By Deputy

CAUSE NO. 106231-E

DANNY PRICE GARRETT,
 PLAINTIFF

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IN THE 108th DISTRICT COURT

VS.

IN AND FOR

JAMES WALTER CAVE AND EAN
 HOLDINGS, LLC,
 DEFENDANTS

POTTER COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, DANNY PRICE GARRETT, hereinafter referred to as Plaintiff complaining of JAMES WALTER CAVE AND EAN HOLDINGS, LLC, hereinafter referred to as Defendants and for cause of action would respectfully show unto this Honorable Court and Jury as follows:

I.

DISCOVERY LEVEL ELECTION

1.01 Plaintiff intends to conduct discovery under Level 3 pursuant to Rule 190.3 of the Texas Rules of Civil Procedure.

II.

PARTIES

2.02 Plaintiff, DANNY PRICE GARRETT, is a resident citizen of Amarillo, Randall County Texas. The last four digits of Plaintiff's driver's license are 4490.

2.03 Defendant, JAMES WALTER CAVE, is a resident citizen of Winsford, England. Service of process may be had by serving this Defendant at his residential address located at 80 Chester Road, Winsford, CW7 2NQ, United Kingdom, England. The last four digits of Defendant's driver's license are 9HY3.

2.04 Defendant, **EAN HOLDINGS, LLC**, is a Oklahoma Corporation doing business throughout the State of Texas and may be served with process by serving its registered agent, The Corporation Company, 1833 South Morgan Road, Oklahoma City, OK 73128.

III.
METHOD OF SERVICE

3.05 Plaintiff requests that the Potter County District Clerk issue citations and serve the Defendant, **EAN HOLDINGS, LLC** with a copy of this Petition by certified mail – return receipt requested. Plaintiff requests that the Potter County District Clerk issue citation and allow Mr. Andrew Green an agent of Across the Pond Service, 12 Brighton, Ben Rhydding, Ilkley, L529 8P5, England to serve Defendant, **JAMES WALTER CAVE** with a copy of the citation and this petition by hand delivery.

IV.
JURISDICTION AND VENUE.

4.06 This suit is brought as a result of an automobile accident which occurred in Amarillo, Potter County, Texas.

4.07 This case is brought pursuant to common law and statutory laws regarding traffic regulation in the State of Texas and specifically the Texas Traffic Code.

4.08 Plaintiff seeks monetary damages far in excess of the minimum jurisdictional limits of this Court: monetary relief of more than \$200,000.00 but less than \$1,000,000.00, including damages of any kind, penalties, costs, expenses and pre-judgment interest.

V.
OPERATIVE FACTS

5.09 On or about the 10th day of October, 2016, at approximately 10:10 a.m., Plaintiff was traveling west in the left lane of the IH 40 service road. Defendant, **JAMES WALTER CAVE** was traveling west in the right lane of the IH 40 service road. As both units approached the intersection with Hope Road, suddenly and without warning, Defendant, **JAMES WALTER CAVE** attempted to make a left turn from the right lane and caused a collision. Defendant, **JAMES WALTER CAVE**'s vehicle spun around and came to rest facing southeast in the left lane. Plaintiff's vehicle went to the right and came to rest in some trees facing northeast. Plaintiff was severely injured.

VI.
NEGLIGENCE OF DEFENDANT, JAMES WALTER CAVE

6.10 At all times relevant and material hereto, Defendant, **JAMES WALTER CAVE**, was negligent in failing to do the following things, either singularly or in combination, which directly and proximately caused the accident made the basis of this lawsuit:

A. COMMON LAW:

- 1) Failed to keep a proper lookout for other vehicles and in particular Plaintiff's vehicle;**
- 2) Failed to yield the right of way – turning left; and**
- 3) Failed to take evasive action such as steering his vehicle to the left or to the right to avoid colliding with Plaintiff's vehicle.**

6.11 The above-listed negligent acts and/or omissions of Defendant, **JAMES WALTER CAVE**, directly and proximately caused the injuries and damages sustained by Plaintiff which are more particularly described below.

B. STATUTORY LAW:

6.12 At all time relevant and material hereto, the Defendant **JAMES WALTER CAVE** negligently violated the following statutory traffic laws in Texas, either singularly or in

combination, which directly and proximately caused the accident made the basis of this lawsuit:

1. §545.151 VEHICLE APPROACHING OR ENTERING INTERSECTION

An operator approaching an intersection:

(1) Shall stop, yield, and grant immediate use of the intersection:

(A) In obedience to an official traffic-control device, including a stop sign or yield right-of-way sign; or

(B) If a traffic-control signal is present but does not display an indication in any of the signal heads; and

(2) after stopping, may proceed when the intersection can be safely entered without interference or collision with traffic using a different street or roadway.

(a) An operator on a single-lane or two-lane street or roadway who approaches an intersection that is not controlled by an official traffic-control device and that is located on a divided highway or on a street or roadway divided into three or more marked traffic lanes:

(1) Shall stop, yield, and grant immediate use of the intersection to a vehicle on the other street or roadway that is within the intersection or approaching the intersection in such proximity as to be a hazard; and

(2) After stopping, may proceed when the intersection can be safely entered without interference or collision with traffic using a different street or roadway.

(b) An operator, may proceed when the intersection can be safely entered without interference or collision with traffic using a different street or roadway:

(1) Shall stop, yield, and grant immediate use of the intersection to a vehicle on the paved street or roadway that is within the intersection or approaching the intersection in such proximity as to be a hazard; and

(2) After stopping, may proceed when the intersection can be safely entered interference or collision with traffic using the paved street or roadway.

(c) Except as provide in Subsection (e), an operator approaching an intersection of a street or roadway that is not controlled by an official traffic-control device:

(1) Shall stop, yield, and grant immediate use of the intersection to a vehicle that has entered the intersection from the operator's right or is approaching the intersection from the operator's right in a proximity that is a hazard; and

(2) After stopping, may proceed when the intersection can be safely entered without interference or collision with traffic using a different street or roadway.

(d) An operator approaching an intersection of a street or roadway from a

street or roadway that terminates at the intersection and that is not controlled by an official traffic-control device or controlled as provided by Subsection (b) or (c):

- (1) Shall stop, yield, and grant immediate use of the intersection to another vehicle that has entered the intersection from the other street or roadway or is approaching the intersection on the other street or roadway in a proximity that is a hazard; and
 - (2) After stopping, may proceed when the intersection can be safely entered without interference or collision with the traffic using the other street or roadway.
- (c) An operator who is required by this section to stop and yield the right-of-way at an intersection to another vehicle and who is involved in a collision or interferes with other traffic at the intersection to whom right-of-way is to be given is presumed not to have yielded the right-of-way.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 1325, Sec. 19.05, eff. Sept. 1, 2003.

2. §545.103 SAFELY TURNING

An operator may not turn the vehicle to enter a private road or driveway, otherwise turn the vehicle from a direct course, or move right or left on a roadway unless movement can be made safely.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

VII.

NEGLIGENCE OF EAN HOLDINGS, LLC

7.13 The vehicle driven by JAMES WALTER CAVE was owned by EAN HOLDINGS, LLC.

7.14 At the time and place of the occurrence made the basis of this lawsuit, Defendants failed to exercise that degree of care imposed upon them by law. Defendants were jointly burdened with the duty to exercise ordinary care in the operation of motor vehicles in the State of Texas. Such failure by Defendants resulted in an unreasonable risk of harm to other drivers and in particular to Plaintiff, thereby making Defendants jointly and severally liable for all injuries and damages sustained by Plaintiff.

7.15 Plaintiff will show that all times relevant and material hereto, Defendant JAMES WALTER CAVE had permission and authority from Defendant, EAN HOLDINGS, LLC to use the

vehicle he was driving just prior to and at the time of the collision made the basis of this lawsuit. In that regard, Plaintiff will show that Defendant, **JAMES WALTER CAVE** was driving a white 2016 Chevrolet Traverse, VIN 1GNKRHKD9GJ266044, which was owned by Defendant **EAN HOLDINGS LLC**. Plaintiff will show at trial that **EAN HOLDINGS, LLC** knew that **JAMES WALTER CAVE** had been operating his vehicle and he was authorized to do so just prior to and at the time of the collision made the basis of this lawsuit.

7.16 Further, Plaintiff will show at trial that **EAN HOLDINGS, LLC** had negligently entrusted the vehicle in question to Defendant **JAMES WALTER CAVE**, who they knew or should have known was a reckless, unlicensed and/or incompetent driver.

VIII. **DAMAGES TO PLAINTIFF DANNY PRICE GARRETT**

8.17 As a direct and proximate result of the Defendants' negligent acts and/or omissions set out above, Plaintiff, **DANNY PRICE GARRETT**, has suffered severe and permanent physical injuries to his body in general. Said injuries have resulted in damages far in excess of the minimum jurisdictional limits of this Court.

8.18 Plaintiff seeks damages for the injuries he received as a direct and proximate result of the accident made the basis of this lawsuit and Defendants' negligence:

- a) **Pain and suffering in the past & future**
- b) **Disfigurement in the past & future**
- c) **Mental anguish in the past & future**
- d) **Physical impairment in the past & future**
- e) **Medical charges in the past**
- f) **Medical charges in the future**
- g) **Loss of earnings in the past and
loss of future wages earning capacity**
- h) **Property damage and loss of use of vehicle**
- i) **Pre-judgment interest**
- j) **Post-judgment interest**

IX.

DEMAND FOR JURY

9.19 Plaintiff respectfully requests a trial by jury and tenders his jury fee concurrently with filing of this action.

X.

PRAYER

10.20 WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Defendants be cited to appear and answer herein; that upon final trial hereof, Plaintiff has judgment against the Defendants, jointly and severely, for the full amount of his damages, as herein alleged; pre-judgment interest and post-judgment interest at the legal rate; costs of Court; and such other and further relief to which he may show himself to be justly entitled.

Respectfully submitted,

QUACKENBUSH LAW FIRM



Jesse Quackenbush

State Bar No. 16421975

801 S. Fillmore, Suite 460

Amarillo, Texas 79101

Telephone: (806) 374-4024

Facsimile: (806) 352-0073

jessequlf@gmail.com

ATTORNEY FOR PLAINTIFF

Filed
Caroline Woodburn
District Clerk
2/23/2017 3:00:25 PM
Potter County, Texas
By _____ Deputy



CT Corporation

**Service of Process
Transmittal**

03/02/2017

CT Log Number 530787540

TO: Evelyn Shadley, Legal Assistant
Enterprise Holdings, Inc.
600 Corporate Park Dr
Saint Louis, MO 63105-4211

RE: Process Served in Oklahoma

FOR: EAN Holdings, LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Danny Price Garrett vs. James Walter Cave and EAN Holdings, LLC

DOCUMENT(S) SERVED: Citation, Return, Original Petition

COURT/AGENCY: 108th District Court - Potter County, TX
Case # V10623100E

NATURE OF ACTION: Personal Injury - Vehicle Collision - 10/10/2016

ON WHOM PROCESS WAS SERVED: The Corporation Company, Oklahoma City, OK

DATE AND HOUR OF SERVICE: By Certified Mail on 03/02/2017 postmarked on 02/28/2017

JURISDICTION SERVED : Oklahoma

APPEARANCE OR ANSWER DUE: By 10:00 a.m. on the Monday next following the expiration of 20 days after service

ATTORNEY(S) / SENDER(S): Jesse Quackebush
Quackebush Law Firm
801 S. Fillmore, Suite 460
Amarillo, TX 79101
806-374-4024

ACTION ITEMS: SOP Papers with Transmittal, via UPS Next Day Air , 1Z0399EX0113322192

Image SOP

Email Notification, Brian Braunstein Brian.S.Braunstein@ehi.com

Email Notification, Evelyn Shadley EVELYN.SHADLEY@EHI.COM

SIGNED: The Corporation Company
ADDRESS: 1833 South Morgan Road
Oklahoma City, OK 73128
TELEPHONE: 214-932-3601

CAROLINE WOODBURN

DISTRICT CLERK, POTTER COUNTY

P.O. BOX 9570

AMARILLO, TEXAS 79105-9570

Return Service Requested

RETURN RECEIPT REQUESTED

CERTIFIED MAIL®

Case 2:17-cv-00059-J Document 1-1 Filed 03/31/17 Page 12 of 20 PageID 17



9414 7266 9904 2080 6472 31

RETURN RECEIPT REQUESTED



LEAN HOLDINGS, LLC
BY SERVING ITS REGISTERED AGENT
THE CORPORATION COMPANY
1833 SOUTH MORGAN ROAD
OKLAHOMA CITY, OK 73128



U.S. POSTAGE >> PITNEY BOWES



ZIP 79101 \$ 007.29⁰
02 4W
0000345987 FEB 28 2017

POTTER COUNTY
Caroline Woodburn
DISTRICT CLERK

P.O. Box 9570
Amarillo, Texas 79105-9570
501 S. Fillmore - Suite 1B

(806) 379-2300
Fax: (806) 372-5061
districtclerk@co.potter.tx.us

=====

THE STATE OF TEXAS
CIVIL

CITATION--CERTIFIED MAIL

CAUSE NO. V-106231-00-E

DANNY PRICE GARRETT VS. JAMES WALTER CAVE AND EAN HOLDINGS, LLC
IN AND FOR THE: 108TH DISTRICT COURT

TO: EAN HOLDINGS, LLC BY SERVING ITS REGISTERED AGENT
THE CORPORATION COMPANY
1833 SOUTH MORGAN ROAD
OKLAHOMA CITY, OK 73128

NOTICE: YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.

THE ADDRESS OF THE CLERK IS SHOWN ABOVE. THE PLAINTIFF'S PETITION WAS FILED ON: FEBRUARY 23, 2017 IN THE 108TH DISTRICT COURT LOCATED AT AMARILLO, POTTER COUNTY, TEXAS.

ATTACHED HERETO IS: PLAINTIFF'S ORIGINAL PETITION

THE ATTORNEY FOR THE PLAINTIFF IS: JESSE QUACKENBUSH, 801 S FILLMORE, STE 460, AMARILLO, TEXAS 79101, (806) 374-4024.

THIS CITATION WAS EXECUTED BY MAILING A TRUE COPY OF IT TO THE DEFENDANT AND ADDRESS NAMED ABOVE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED WITH A TRUE COPY OF THE PETITION ATTACHED.

ISSUED AND GIVEN UNDER MY HAND AND SEAL ON: FEBRUARY 29, 2017

CAROLINE WOODBURN, CLERK OF THE COURT
POTTER COUNTY, TEXAS

BY Karen McCall DEPUTY

(OFFICER'S RETURN FOLLOWS)

**DEFENDANT'S
COPY**

POTTER COUNTY
Caroline Woodburn
DISTRICT CLERK

P.O. Box 9570
Amarillo, Texas 79105-9570
501 S. Fillmore - Suite 1B

(806) 379-2300
Fax: (806) 372-5061
districtclerk@co.potter.tx.us

OFFICER'S RETURN---CERTIFIED MAIL

Cause No. V-106231-00-E in the 108TH DISTRICT COURT
Style: DANNY PRICE GARRETT VS. JAMES WALTER CAVE AND EAN HOLDINGS, LLC

This CITATION was executed by mailing an exact copy of it with an exact copy of the PLAINTIFF'S ORIGINAL PETITION attached, to the defendant(s) and addressed named above by certified mail, return receipt requested.

Date Mailed: Feb 27, 2017

Certified Mail #: 9414 7266 9904 2080 6472 31

Fee for Return: \$ 75.00

CAROLINE WOODBURN, CLERK OF THE COURT
POTTER COUNTY, TEXAS

By: Karen McCalla, Deputy

THE STATE OF TEXAS

COUNTY OF POTTER

The return receipt was received on the ____ day of _____, 20____, bearing a delivery date of _____, 20____, and is attached hereto and made a part of this return.

CAROLINE WOODBURN, CLERK OF THE COURT
POTTER COUNTY, TEXAS

By: _____, Deputy

Before me, the undersigned authority, personally appeared: _____, who after being duly sworn, stated that the above facts are true and correct, subscribed and sworn to before me on this the ____ day of _____, 20____.

_____, Notary

My Commission Expires: _____

P.O. Box 9570
Amarillo, Texas 79105-9570
501 S. Fillmore - Suite 1B

POTTER COUNTY
Caroline Woodburn
DISTRICT CLERK

(806) 379-2300
Fax: (806) 372-5061
districtclerk@co.potter.tx.us

=====

THE STATE OF TEXAS
CIVIL

CITATION--CERTIFIED MAIL

CAUSE NO. V-106231-00-E

DANNY PRICE GARRETT VS. JAMES WALTER CAVE AND EAN HOLDINGS, LLC

IN AND FOR THE: 108TH DISTRICT COURT

TO: EAN HOLDINGS, LLC BY SERVING ITS REGISTERED AGENT
THE CORPORATION COMPANY
1833 SOUTH MORGAN ROAD
OKLAHOMA CITY, OK 73128

NOTICE: YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A **WRITTEN ANSWER** WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.

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ATTACHED HERETO IS: PLAINTIFF'S ORIGINAL PETITION

THE ATTORNEY FOR THE PLAINTIFF IS: JESSE QUACKENBUSH, 801 S FILLMORE, STE 460, AMARILLO, TEXAS 79101, (806) 374-4024.

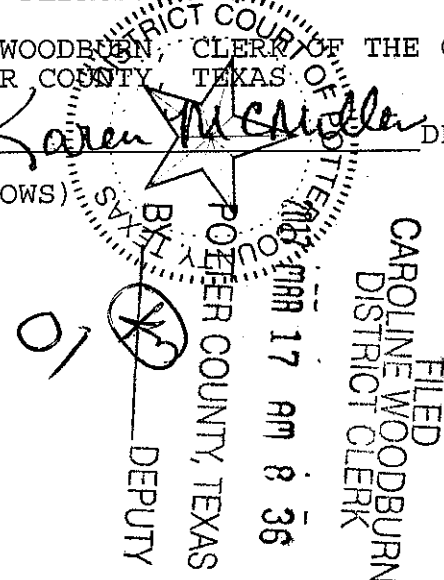
THIS CITATION WAS EXECUTED BY MAILING A TRUE COPY OF IT TO THE DEFENDANT AND ADDRESS NAMED ABOVE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED WITH A TRUE COPY OF THE PETITION ATTACHED.

ISSUED AND GIVEN UNDER MY HAND AND SEAL ON: FEBRUARY 27, 2017

CAROLINE WOODBURN, CLERK OF THE COURT
POTTER COUNTY, TEXAS

BY Karen McCallister DEPUTY

(OFFICER'S RETURN FOLLOWS)



ORIGINAL FOR RETURN

(806) 379-2300
Fax: (806) 372-5061
districtclerk@co.potter.tx.us

My Commission Expires:

EAN HOLDINGS, LLC
 BY SERVING ITS REGISTERED AGENT
 THE CORPORATION COMPANY
 1833 SOUTH MORGAN ROAD
 OKLAHOMA CITY, OK 73128

9414 7266 9904 2080 6472 31

TO: EAN HOLDINGS, LLC
 BY SERVING ITS REGISTERED AGENT
 THE CORPORATION COMPANY
 1833 SOUTH MORGAN ROAD
 OKLAHOMA CITY, OK 73128

SENDER: POTTER COUNTY DIST. CIVIL

REFERENCE: 106231-E KM

PS Form 3800, January 2005

RETURN
 RECEIPT
 SERVICE

Postage
 Certified Fee
 Return Receipt Fee
 Restricted Delivery
 Total Postage & Fees

2017 MAR 1 PM 1
 POTTER COUNTY, TEXAS
 DEPUTY

USPS®

Receipt for Certified Mail®

No Insurance Coverage Provided
 Do Not Use for International Mail

POSTMARK OR DATE



2. Article Number

106231-E



9414 7266 9904 2080 6472 31

3. Service Type **CERTIFIED MAIL®**4. Restricted Delivery? (Extra Fee) **DEPUTY** Yes

1. Article Addressed to:

EAN HOLDINGS, LLC
 BY SERVING ITS REGISTERED AGENT
 THE CORPORATION COMPANY
 1833 SOUTH MORGAN ROAD
 OKLAHOMA CITY, OK 73128

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

Adelia Unack MAR 02 2017

B. Date of Delivery

C. Signature

☒ Agent
☐ Addressee

D. Is delivery address different from item 1?
 If YES, enter delivery address below:

☐ Yes
☐ No

Reference Information

2017 MAR 17 PM 8 06 KM

POTTER COUNTY DIST. CIVIL KM

8352

CAUSE NO. 106231-E

DANNY PRICE GARRETT § **IN THE DISTRICT COURT**
 v. §
 § **108th JUDICIAL DISTRICT**
 §
JAMES WALTER CAVE AND EAN § **POTTER COUNTY, TEXAS**
HOLDINGS, LLC

DEFENDANT ENTERPRISE LEASING COMPANY OF CHICAGO, LLC,
INCORRECTLY NAMED AS HOLDINGS, LLC'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW ENTERPRISE LEASING COMPANY OF CHICAGO, LLC, INCORRECTLY NAMED AS EAN HOLDINGS, LLC, Defendant named in the above entitled and numbered cause, and files this its Original Answer, and for same would respectfully show unto the Court as follows:

I.**GENERAL DENIAL**

Defendant denies each and every, all and singular, the material allegations contained within Plaintiff's pleadings and demands strict proof thereof.

II.

WHEREFORE, PREMISES CONSIDERED, Defendant ENTERPRISE LEASING COMPANY OF CHICAGO, LLC, INCORRECTLY NAMED AS AN HOLDINGS, LLC prays that the Plaintiff take nothing by this suit, that Defendant go hence with its costs without delay, and for such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

FEE, SMITH, SHARP & VITULLO, L.L.P.



BRETT A. SMITH

State Bar No. 18542275
13155 Noel Rd.
Suite 1000
Dallas, TX 75240
(972) 934-9100
(972) 934-9200 (Fax)
bsmith@feesmith.com

**ATTORNEYS FOR DEFENDANT
ENTERPRISE LEASING COMPANY OF
CHICAGO, LLC, INCORRECTLY NAMED
AS EAN HOLDINGS, LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing is being served upon all parties in accordance with the Texas Rules of Civil Procedure, on this the 24th day of March, 2017 as follows:

Via Certified Mail/RRR

Jesse Quackenbush
Quackenbush Law Firm
801 South Fillmore
Suite 460
Amarillo, TX 79101



BRETT A. SMITH

Filed
Caroline Woodburn
District Clerk
3/24/2017 2:34:48 PM
Potter County, Texas
By _____ Deputy

Filed
Caroline Woodburn
District Clerk
3/30/2017 10:12:31 AM
Potter County, Texas
By ELC 8233 Deputy

REQUEST FOR COPIES AND/OR SEARCH FOR POTTER COUNTY FAMILY AND CIVIL RECORDS

TEXAS GOVERNMENT CODE § 51.318 Fees Due When Service Performed or Requested.		
(b)	(3) for searching files or records to locate a cause when the docket number is not provided.	\$5.00
	(4) for searching files or records to ascertain the existence of an instrument or record in the District clerk's office	\$5.00
	(7) for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office, including certificate and seal, for each page or part of a page	\$1.00
	(8) for a noncertified copy, for each page or part of a page not to exceed \$1.00	\$.50

THESE FEES DUE PAYABLE TO POTTER COUNTY DISTRICT CLERK

Return this form along with payment for the required fees. (Fees may be waived for Government Agencies)

District Clerk, Potter County, P.O. Box 9570, Amarillo, TX 79105

Or

Contact the Family Department at 806.379.2319 or Civil Department at 806.379.2301 to obtain an alternative method of submitting this request and to determine the page count of the requested document/s.

This office accepts the following forms of payment:

- Money order
- Cashier's check (this office does not accept personal checks)
- Credit or debit/credit card payment

Record Search: Type of Case (circle one) Divorce/Family Case or Civil Case

Name(s) to be searched: _____

Approximate Year/s to be searched: _____

Date of Birth (if known will provide more accurate results): _____

Copies: Type of Case (circle one) Divorce/Family Case or Civil Case

*Add \$5.00 as an additional search fee for obtaining the cause number if not provided

Case/cause number(s): 100231-EName/type/description of document(s) to be copied: D. CASE SUMMARY2) CIVIL COVER SHEET

Please specify how you would like copies to be returned:

- ☐ Certified copies (mailed back only) - \$1 page, **a self-addressed stamped envelope is required
- ☐ Non Certified copies (mailed back) - \$.50 per page, **a self-addressed stamped envelope is required
- ☒ Emailed back (non-certified documents only) - \$5 per document

Requesting person contact information:

Name: ARTI JARIWALAPhone number: (972) 980-3265Email address: AJARIWALA@FEESMITH.COM

The Clerk is authorized to charge the fees for copies or search to my: (circle one) Visa, MasterCard, Discover and American Express

Credit Card Number: _____ Exp Date: _____ Security Code: _____

Card Holder's Name: JAY N. FRYAuthorized user signature: _____ Date: 3-22-17Billing Address & Zip Code: FEE SMITH, SHARP EVITULLO, 36 GALLERIA TWR, 13155 NOEL RD. #1000, DALLAS TXTelephone Number with Area Code: (972) 934-9100Email Address to party requesting: AJARIWALA@FEESMITH.COM

*Please note - our clerks are not authorized to make long distance phone calls

B R